

### REMARKS

1. An Office Action requiring Applicants to elect a single invention for prosecution on the merits was mailed October 24, 2008. Claims 20-46 were last presented for examination. By the foregoing Amendments, no claims have been amended, added or cancelled. Thus, upon entry of this paper, claims 20-46 will remain pending in this application. Of these twenty-seven (27) claims, three (3) claims (claims 20, 30 and 40) are independent. In response to the Election/Restriction Requirement, Applicants submit this Response to Election/Restriction Requirement.

#### *Election/Restriction*

2. The Examiner has required the election of a single invention for prosecution on the merits. The Examiner alleged that the originally filed claims are directed to the following two (2) patentably distinct inventions:

- I. Claims 20-39, drawn to a speech processor with housing.
- II. Claims 40-46, drawn to a method of using a speech processor in a BTE mode and in a non BTE housing.

#### *Provisional Election*

3. In accordance with 37 CFR § 1.143 and MPEP 818.03(b), Applicants hereby elect, without traverse, the claims of Group I, namely, claims 20-39.

4. Applicants do not intend to dedicate non-elected claims to the public and reserve the right to file divisional applications for the subject matter covered by the non-elected claims.

5. The inventorship for the invention of the elected claims is the same as the inventorship of record in this application.

***Conclusion***

6. In view of the foregoing, it is respectfully submitted that this application is in condition for allowance and favorable action is respectfully solicited.

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Respectfully submitted,

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